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Community Planning Branch,
Ontario Department of Municipal Affairs,
101 Bay Street,
TORONTO, Ontario.

February 1971.

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LAND DIVISION COMMITTEES

On 27 June, 1970, certain amendments to The Planning Act affecting subdivision control came into force. Prior to that date, consents to land severances under section 26 of The Planning Act could be granted only by properly constituted committees of adjustment, where these existed, or otherwise by the Minister of Municipal Affairs.

It had become apparent over the years that there were some weaknesses in this system. While committees of adjustment were usually well acquainted with local circumstances, the volume of applications that they dealt with was often fairly low. This meant that they did not gain an adequate understanding of sound development policies, and the quality of their decisions often suffered accordingly. On the other hand, the Minister had the advantage of professional advice from the staff of the Department but this staff often did not have an intimate knowledge of the site and of local circumstances, although site inspections were carried out, wherever possible.

A new agency, the land division committee, has been devised, therefore, to decide on applications for consent. This agency will combine the advantage (familiarity with local conditions) enjoyed by committees of adjustment with a sufficiently large volume of applications each year to provide adequate experience for the members.

Land division committees can be established by the councils of counties, regional municipalities, metropolitan municipalities, and district municipalities. This pamphlet relates specifically to land division committees for counties but the information presented here is equally applicable to the three other classes of municipality.

A land division committee will have authority to grant consent to severances in any municipality in the county that does not have a committee of adjustment with authority to grant consent. It must be set up by the county council upon notification by the Minister that one or more municipalities within the county do not have committees of adjustment and it is to be constituted by such members, not fewer than three, as the council sees fit (section 26a (1), The Planning Act).

The county council would set up the committee by by-law and would include the names of the members and their term of office. A copy of a suggested form of the by-law is attached.

Every reasonable effort will be made by the staff of this Department to meet the convenience of county councils as to the timing of setting up land division committees. Once the Minister sends the appropriate notification to the county council, the council should proceed promptly to appoint members to the land division committee. As soon as the committee is constituted, it will be the only agency with authority to grant consents for land transactions in those local municipalities that do not have committees of adjustment with this authority. Hearings must be held on all applications within 30 days of their receipt. It will be readily apparent, then, that the county council should have tentatively selected members for appointment to the land division committee, arranged for secretarial services, settled budget details, attended to the printing of application forms, and settled arrangements for office space, equipment, and accommodation for public hearings. It is also highly desirable that the Department have cleared up as many as possible of the outstanding applications from the county before the land division committee is established; otherwise, the applicants might be required to re-apply to the land division committee, with resultant delay in getting a decision.

In view of these considerations, it would seem desirable for the county council and the staff of the Department to agree upon the timing of the Minister's notification to the county. As indicated above, the Department will do its best to meet the convenience of the county.

The land division committee will grant the same type of consents, such as the simple separation of land from existing holdings, quit-claim deeds, mortgages, and so on, as a committee of adjustment. The committee will also hold public hearings and conduct its business in the same manner as a committee of adjustment (section 32b (2a) to (19) of The Planning Act).

The Minister will retain two areas of interest in land division committees. First, the procedures under which land division committees (and committees of adjustment) will operate by regulation (section 34a). Secondly,

section 32b(10) of The Planning Act requires the committee to send a copy of its decisions to the Minister. These will be checked for conformity with the requirements of The Planning Act and the above-mentioned regulations. The Minister has the right to appeal to the Municipal Board against any decision of a land division committee or a committee of adjustment where he deems such action to be justified.

The committee will have power to engage staff, hire consultants and appoint a secretary-treasurer as it sees fit, within the money appropriated by county council for the purpose. It is expected that the existing county staff will be able to absorb some parts of the committee's workload--such as typing and drafting. However, we would expect that the counties will add staff, preferably with technical training or appropriate experience, to prepare reports on applications and present the applications at committee meetings. In addition, it is not expected that the fee for an application, set at a maximum of \$25 at the present time, will meet the committee's operating cost. The county will be required to pay any costs above the revenue from application fees.

The members of the committee are selected at the county council's discretion, but council members or employees, excepting school teachers, of the county or any municipality in the county cannot be appointed (section 26a(2) & (3)). The approval of committee members by this Department is not required. On the basis of our experience with committees of adjustment, however, we offer the advice that persons selected for membership on land division committees should be responsible and respected persons in the community who are used to making decisions. Councils will be sensitive to the importance of selecting people for membership who might be faced with a conflict of interests if they accepted the appointment, of course.

At the meetings that have been attended by staff to date, two questions have been given special emphasis by council members. They are:

- (a) what is the future of existing committees of adjustment in respect of granting consents, and
- (b) what is the role of municipal councils and planning boards, with regard to the functions of the land division committees?



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With regard to the first question, a committee of adjustment that was constituted prior to 15 June, 1970, can continue to grant consents, except under one or more of the following circumstances:

1. If the municipality does not have an official plan approved by the Minister by Dec. 31, 1973, its committee of adjustment will lose its powers to grant consent. (See section 26b, subsection 1.)
2. The council of a local municipality may, by by-law, authorize a land division committee to grant consents, whereupon its committee of adjustment ceases to have authority to do so. (See section 26a, subsection 4.)
3. Where a committee of adjustment is giving consents in a manner not contemplated by The Planning Act, the Minister, by order, may declare that such committee no longer has authority to grant consents. (See section 26b, subsection 2.)

Under all other conditions, an existing committee of adjustment can continue to grant consents into the future.

With regard to the second question, the land division committee, when considering an application for consent, must have regard to the provisions of a municipality's official plan (section 26(12) and section 28(4)). Therefore, through the preparation and updating of an official plan, the planning board and municipal council will be able to lay down the policies that will govern the land division committee in its decision on granting consents in the municipality. The committee will also be guided in its decisions on consent applications by the provisions of zoning by-laws and any other pertinent regulations established by the municipality.

In addition to observing the provisions of official plans and other official policies and regulations established by the municipality, land division committees and committees of adjustment should take full advantage of the professional advice available to them from the staffs of the municipality, planning boards, health authorities, and other agencies.

The staff of the Community Planning Branch would be pleased to offer advice on any question that may arise in connection with the establishment or operation of land division committees.

Enquiries should be addressed to:

Director,
Community Planning Branch,
Department of Municipal Affairs,
801 Bay Street,
TORONTO, Ontario.

Name of County
(Metropolitan, Regional or
District Municipality)

By-law No.....

A by-law to constitute and appoint a land division committee

WHEREAS it is deemed expedient to constitute and appoint a
land division committee as provided by Section 26a of The
Planning Act.

Now Therefore, the Council of the Corporation of the
of Enacts as follows:

1. A land division committee is hereby constituted.
2. The following persons are hereby appointed to membership
on the land division committee:
 - (1)..... to hold office until January 1, 1972.
 - (2)..... to hold office until January 1, 1973.
 - (3)..... to hold office until January 1, 1974.
 - (4) etc...

Read a first and second time
this day of, 1971.

Warden (or Chairman)

Clerk

Read a third time and finally
passed, signed and sealed
this day of, 1971.

Warden (or Chairman)

Clerk





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